

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

JEFFREY R. FINIGAN (CASBN 168285)
Assistant United States Attorney

450 Golden Gate Avenue
San Francisco, California 94102
Telephone: (415) 436-7232
Facsimile: (415) 436-7234
Email: jeffrey.finigan@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
)
KELLY THOMAS,)
)
Defendant.)

Criminal No. CR 09-0379 MHP

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME**

The above-captioned matter came before the Court on June 29, 2009, for status. The defendant was represented by Rita Bosworth, Esq., and the government was represented by Jeffrey Finigan, Assistant United States Attorney. The matter was continued to July 27, 2009, at 10:00 a.m. for change of plea or trial setting.

The Court made a finding that the time from and including June 29, 2009, through and including July 27, 2009, should be excluded under the Speedy Trial Act, 18 U.S.C.

§ 3161(h)(7)(A), because the ends of justice served by taking such action outweighed the best

STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME
CR 09-0379 SI

1 interest of the public and the defendant in a speedy trial. The finding was based on the need for
 2 the defendant to have reasonable time necessary for effective preparation and for continuity of
 3 counsel pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv).

4 The parties hereby agree to and request that the case be continued until July 27, 2009, and
 5 that the exclusion of time until then be granted. The parties agree and stipulate that the
 6 additional time is appropriate and necessary under Title 18, United States Code, § 3161(h)(7)(A),
 7 because the ends of justice served by this continuance outweigh the best interest of the public and
 8 the defendant in a speedy trial. This time exclusion will allow defense counsel to effectively
 9 prepare, taking into account the exercise of due diligence, and will provide for continuity of
 10 counsel for the defendant.

11
 12 DATED: June 29, 2009

/s/
 RITA BOSWORTH
 Counsel for Kelly Thomas

13
 14
 15 DATED: June 29, 2009

/s/
 JEFFREY R. FINIGAN
 Assistant U.S. Attorney

16
 17
 18 So ordered.

19 DATED: 6/30/2009

MARILYN HALL PATEL
 UNITED STATES DISTRICT JUDGE

